



# Marriage (Scotland) Act 1956

1956 CHAPTER 70 4 and 5 Eliz 2

An Act to amend the law with regard to notice of marriages intended to be celebrated or contracted in Scotland. [2nd August 1956]

## **1 Notice of marriage intended to be celebrated or contracted in Scotland where one party has a parent residing there.**

[<sup>F1</sup>(1) Where one party to a marriage intended to be solemnised in Scotland is residing in England and the other is residing in Scotland, the party residing in England may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving as a parent residing there.

(2) Where both parties to a marriage intended to be solemnised in Scotland are residing in England, whether in the same registration district or in different registration districts, and one of the parties has a parent who has his usual residence in Scotland—

- (a) the other party may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving of the notice;
- (b) if the parties live in different registration districts, it shall not be necessary for notice of the intended marriage to be given to the superintendent registrar of the other registration district;

(2A) Section 28(1) of the <sup>M1</sup>Marriage Act 1949 (which relates to the declaration to accompany a notice of marriage) shall apply for the purposes of subsections (1) and (2) above as if paragraph (b) of the said section 28(1) required the declaration to state—

- (i) that the person giving the notice has for the period of seven days immediately before the giving of the notice had his usual place of residence within the registration district in which the notice is given; and
- (ii) that the marriage is intended to be solemnised in Scotland; and
- (iii) that the other party to the intended marriage is resident in Scotland, or has a parent who has his usual residence in Scotland, as the case may be.]

(3) A notice of marriage and declaration given and made in accordance with the [<sup>F2</sup>foregoing provisions of this section], if in other respects they comply with the

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requirements of the <sup>M2</sup>Marriage Act, 1949, shall be treated as a notice of marriage and declaration given and made in accordance with that Act, [<sup>F3</sup>but sections 3, 29 to 31A and 33 of that Act are to apply as if—

- (a) references in those sections to a marriage schedule, except the reference in subsection (1) of section 29 of that Act and the first reference in each of subsections (2) and (4) of that section, were references to an approved certificate,
- (b) the first reference to a marriage schedule in section 29(2) of that Act were a reference to an approved certificate in respect of a person named in the caveat,
- (c) the reference to the relevant superintendent registrar in section 29(2) of that Act were a reference to the superintendent registrar to whom notice is given under this section,
- (d) subsection (2A) of section 29 of that Act were omitted,
- (e) in section 30(1) of that Act, for the words from “is required” to “marriage”, where it first occurs, there were substituted “would be required under section 3 in respect of a marriage if that marriage were”,
- (f) the reference in section 31(2) of that Act to the superintendent registrar for the registration district in which a marriage is to be solemnized were a reference to the superintendent registrar to whom notice is given under this section,
- (g) in section 31 of that Act, subsections (3)(b) and (c), (3A), (4) and (5) were omitted,
- (h) the reference in section 31(3)(a) of that Act to each notice of marriage were a reference to the notice given under this section,
- (i) the reference in section 33(2)(a) of that Act to notices of marriage were a reference to the notice given under this section, and
- (j) in section 33 of that Act, subsections (3)(a) and (4) were omitted.]

[<sup>F4</sup>(3A) In subsection (3)(a) and (b) “approved certificate” means a certificate for marriage, for the purposes of section 3(4) of the Marriage (Scotland) Act 1977, in the prescribed form.

(3B) In subsection (3A) “prescribed” means prescribed by regulations made under section 74 of the Marriage Act 1949; and the reference, in subsection (1)(b) of that section, to that Act is to be treated as including a reference to this Act.]

<sup>F5</sup>(4) .....

(5) In this section any reference to a parent of a party to an intended marriage includes a reference to—

- <sup>F6</sup>(a) .....
- (b) any spouse, widow, or widower of a parent <sup>F7</sup>... of that party.

#### Textual Amendments

- F1** S. 1(1)(2)(2A) substituted with saving for s. 1(1)(2) by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\), s. 27\(3\), Sch. 2 para. 5\(a\)](#)
- F2** Words substituted with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\), s. 27\(3\), Sch. 2 para. 5\(b\)](#)
- F3** Words in s. 1(3) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 53\(2\)](#) (with Sch. 2)

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- F4** S. 1(3A)(3B) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(g), **Sch. 1 para. 53(3)** (with Sch. 2)
- F5** Ss. 1(4), 2, 3 repealed with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 27(3), **Sch. 3**
- F6** S. 1(5)(a) repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **Sch. 4 Pt. I**
- F7** Words repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **Sch. 4 Pt. I**

**Marginal Citations**

- M1** [1949 c. 76](#).
- M2** [1949 c. 76\(49:1\)](#).

**2** ..... **F8**

**Textual Amendments**

- F8** Ss. 1(4), 2, 3 repealed with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 27(3), **Sch. 3**

**3** ..... **F9**

**Textual Amendments**

- F9** Ss. 1(4), 2, 3 repealed with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 27(3), **Sch. 3**

**4** †**Short title and citation.**

This Act may be cited as the Marriage (Scotland) Act, 1956 . . . **F10**

**Textual Amendments**

- F10** Words repealed with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 27(3), **Sch. 3**

**Modifications etc. (not altering text)**

- C1** Unreliable margin note

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**Changes to legislation:**

There are currently no known outstanding effects for the Marriage (Scotland) Act 1956.